

PROVIDING FOR A RESOLUTION WITH RESPECT TO THE UNRESOLVED DISPUTES BETWEEN CERTAIN RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE OF THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

Mr. PAYNE. Madam Speaker, pursuant to House Resolution 1499, I call up the joint resolution (H.J. Res. 100) to provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1499, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 100

Whereas the unresolved labor disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations threaten essential transportation services of the United States;

Whereas it is in the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 14077 of July 15, 2022, created Presidential Emergency Board No. 250 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, formed the basis for tentative agreements between all of the parties to the disputes;

Whereas some, but not all, of the tentative agreements have been ratified by the union memberships in final resolution of certain of the disputes between the parties;

Whereas unresolved disputes remain between the parties whose tentative agreements were not ratified by the union memberships;

Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, have not resulted in a final resolution of all the disputes;

Whereas all the procedures provided under the Railway Labor Act (45 U.S.C. 151 et seq.), and further procedures agreed to by the parties, have been exhausted and have not resulted in a final resolution of all the disputes;

Whereas it is desirable that all such disputes be resolved in a manner which encourages solutions reached through collective bargaining;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential transportation services;

Whereas Congress finds that emergency measures are essential to national security and continuity of transportation services by such railroads; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.

(a) IN GENERAL.—Consistent with the purposes of the Railway Labor Act (45 U.S.C. 151 et seq.) to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the most recent tentative agreements, side letters, and local carrier agreements entered into by the covered parties that have not been ratified before the date of enactment of this joint resolution (including tentative agreements, side letters, and local carrier agreements that have failed ratification) shall be binding on such covered parties to such unresolved disputes, and shall have the same effect as though arrived at by agreement of such covered parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(b) COVERED PARTIES.—In this section, the term “covered parties” means the parties to the unresolved disputes subject to Presidential Emergency Board No. 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations) and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160).

SEC. 2. MUTUAL AGREEMENT.

Nothing in this joint resolution shall prevent any mutual written agreement by the parties to implement the terms and conditions established by this joint resolution, or prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees.

The gentleman from New Jersey (Mr. PAYNE) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 100.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House of Representatives.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and I thank him for his leadership on a very important subcommittee of the Transportation and Infrastructure Committee, the Railroads, Pipelines, and Hazardous Materials Subcommittee, which is the subcommittee

of jurisdiction for the legislation that we are considering today.

Madam Speaker, I thank the chairman of the full committee, Chairman PETER DEFAZIO of the Transportation and Infrastructure Committee, for his outstanding leadership for over 30 years in the Congress of the United States. He has been a champion for America's working families. He has been a person about the future. We have been blessed by his leadership.

I commend Chairman JIM MCGOVERN of the Rules Committee for steering this urgent and necessary legislation to the floor in such an expeditious and effective manner.

Madam Speaker, under President Joe Biden, we have had the most pro-union administration in history. Indeed, he chose a Labor Secretary in Secretary Marty Walsh who has deep personal roots in organized labor, joining the Laborers' Union 223 at age 21, eventually rising to serve as the head of the Boston Building Trades before he became mayor of Boston.

□ 1030

Together, the White House, the administration, and the Congress, we have proudly stood with working people. Under President Biden and our pro-union Democratic majority, we were able to protect pensions, promote the PRO Act for collective bargaining and create good-paying, Davis-Bacon jobs in the infrastructure bill and the CHIPS and science law and additional legislation, because we believe that the middle class is the backbone of our democracy, and we believe that the middle class has a union label on it.

Madam Speaker, today, we are here to safeguard the financial security of America's families; to protect the American economy as it continues to recover; and avert a devastating nationwide rail shutdown.

We all know that for too long the railroads have made obscene profits on the backs of workers. Selling out to Wall Street and its outrageous “precision scheduled railroading,” they have slashed jobs, increased hours, and cut corners on safety, while demanding more and more from the workers.

Rather than reinvesting their profits into the workers, over the past decade they have given \$150 billion in handouts to their corporate executives and wealthiest investors. It is just not right.

That is why relentless labor leaders like Dennis Pierce and Jeremy Ferguson, whom I saw close up and watched them fight for their union members, among others—alongside our pro-union President Joe Biden and Labor Secretary Marty Walsh, as I referenced—fought furiously to negotiate a fairer deal for railroad workers.

Thanks to their months of determined leadership, the tentative agreement that was reached has secured important advances: A 24 percent pay raise and a \$5,000 bonus; no changes in copays, deductibles, and coinsurance

costs; and protecting the two-man crew—protecting the two-man, very important.

But we know much more needs to be done for railroad workers. It is outrageous that every developed country in the world has paid sick leave except the United States of America.

No one should be at risk of losing his or her job by staying home when sick, needing to see a doctor, or getting lifesaving surgery. So it is progress that the agreement provides some time off for routine, preventative, and emergency medical care.

But what we need is paid sick leave for railroad workers and for every American. I hear this every place I go, not just with the railroads. But these railroad workers, they are very skilled. Their work is challenging, has some danger. They need to have these very talented workers, and yet, they are willing to let them go if they miss a few days of work because of having to get a checkup or something.

Going to see a proctologist is not a reason why people would take a day off. They do that because they have to.

So today, the House will take two important actions. First, we will pass shutdown-averting legislation to adopt the tentative agreement, as negotiated by the railroad companies and labor leaders, and again, with the administration at the table.

Then we will have a separate, up-or-down vote to add 7 days of paid sick leave to the tentative agreement. It had always been our intention to do. We are doing it on the same day because of the end of session.

Doing so fulfills our authority and responsibility under the Commerce Clause of the Constitution: To ensure the uninterrupted operation of critical transportation services; that is our responsibility as we fight for a fairer future for our workers.

Let me be clear: A nationwide rail shutdown would be catastrophic. A shutdown would grind our economy to a halt, and every family would feel the strain. As many as 765,000 workers, including many union members, would lose their jobs in just the first 2 weeks.

Experts project it would cost the economy up to \$2 billion a day and raise prices on consumer products. Families wouldn't be able to buy groceries or lifesaving medications because it would be even more expensive, and perishable goods would spoil before reaching shelves. That is why so many Members are saying we have got to avert a shutdown because we have got to get produce to market in our farm communities.

Communities wouldn't be able to get chlorine to keep their water safe and clean; and small businesses wouldn't be able to get their products to market, many of them, as I say, farmers.

Time is of the essence. We must act now.

I urge a strong, bipartisan "yes" vote on both adopting the tentative agreement and securing additional paid sick

leave. In doing so, we will give our families and businesses confidence that the American economy will remain resilient and strong; and we move to enhance the dignity and the economic security of many hardworking Americans who keep our Nation on the move. Our Nation's hopes, really, are riding on this vote.

I urge a very strong "yes" on both bills and both votes.

Mr. GRAVES of Missouri. Madam Speaker, I yield myself such time as I may consume, and I thank the Speaker for the comments.

Today, we are here because of a failure by the Biden administration to prevent a rail labor strike, and it is unfortunate that we need Congress to act quickly to avoid, obviously, a catastrophic economic disaster or a consequence as a result of this.

Freight rail is extremely important in our Nation's economy and national security. Approximately 40 percent of all the long distance cargo is transported by rail.

In recognition of freight rail's economic importance, Congress enacted the Railway Labor Act. This legislation helps ensure the collective bargaining rights for rail workers. It created processes, including Congressional action, which we are doing, to ensure the prompt settlement of labor disputes that could interrupt interstate commerce and damage the economy.

When an agreement was not reached this past August, President Biden appointed a PEB—it is called a Presidential Emergency Board—and it recommended a very robust package of pay and benefits for railway workers: Salary increases of 24 percent started retroactively, by the way, in 2020, which goes through 2024.

There was generous, very generous, health benefits, with employee contributions capped at 15 percent of premiums; and an additional paid day off.

But it should be noted that the Biden administration's PEB recommendations did not agree with the unions' demands for additional paid or sick leave; and I am disappointed that the Democrats, in the eleventh hour, altered the items, these particular items, to cater to the demands. This is an extreme and an unprecedented version of the necessary congressional intervention.

As the original September deadline for a strike approached, President Biden's Secretary of Labor, Marty Walsh, negotiated a tentative agreement with the railroad companies and all 12 of the rail union leaders. President Biden hailed the agreement as a "win for rail workers," and Secretary Walsh and other union leaders, they praised it as well. We all saw that in the news.

But it is now clear that the administration cannot close their own deal. Eight of the 12 unions voted to ratify the tentative agreement. Four voted it down, and a rail strike is now possible at midnight on December 9, as we approach a very busy holiday season.

So it now falls on Congress to avert a railway shutdown that would literally devastate the economy, which is already coping with the disastrous consequences of the administration's economic policies.

A rail shutdown would severely disrupt supply chains and add to the 40-year high inflation that we are already seeing. It would lead to higher energy costs as winter weather raises energy demand; and it is going to disrupt global food supplies.

The estimates are that America's economic output could decline by \$2 billion a day. For these reasons, organizations representing just about every industry in the economy have called on Congress to avoid a crippling rail strike; and it never should have come to this.

But I encourage my colleagues in this process to avert a strike. I do encourage my colleagues to support H.J. Res. 100. While the rail strike is imminent if something isn't done, what folks need to understand as well is the railroads will have to start shutting down a lot of the critical—particularly hazmat—hazardous material movement. They are going to have to shut that down earlier, in fact, a week earlier, and it is absolutely going to cripple the economy.

Anhydrous ammonia is one of those things; and if you live in a rural State or you live in a very agriculture-dependent district, right now is the time when anhydrous is being applied. So that is just one area, just one area as an example that we are going to see some serious problems if this isn't averted.

Again, it is very sad that the majority chose to change this at the very last minute, and now we are voting on two different resolutions with a very, very, generous paid sick leave, in addition to what is already out there in terms of employees who have health issues.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is deeply unfortunate that Congress has had to assume the role of mediator in order for our Nation to avoid the widespread repercussions of a rail shutdown.

Let me be clear: We are all here today due to the inability of the railroads to negotiate paid sick leave, period, an essential component of any humane and decent work environment.

I thank the nearly 115,000 dedicated, hardworking, and essential freight rail workers who have kept our economy alive through some of our Nation's most challenging times.

As chairman of the House Subcommittee on Railroads, Pipelines, and Hazardous Materials, the decision to intervene and prevent the freight rail shutdown was not easy by any means.

However, with nearly one-third of the Nation's freight moved by rail, the failure to prevent a rail stoppage would be

irresponsible as it would have devastating consequences on our economy and everyday American life.

Not only would a stoppage stunt our economic growth, it would disrupt supply chains around the world and skyrocket the cost of fuel and food just before winter. We all know this would put us dangerously close to the possibility of a recession, something American farmers and small businesses simply cannot afford after years of neglect under the former occupant of the White House.

Shirking our duty to act would inflict harm on every American family, with soaring costs at the pump and rising prices at grocery stores. Therefore, we simply cannot afford to idle at this critical juncture.

But mark my words: The rail industry should be ashamed for bringing us to this place. They have failed to meet the needs of the men and women who have demonstrated nothing short of courage over the past couple of years.

I promised to help pass meaningful legislation that would prioritize the needs of workers. That is why I am cosponsoring a bill which will be before you later today that will provide 7 days paid sick leave to rail employees.

I urge each of you to join me in doing what we must do to prevent a rail strike and defend our rail employees, guardians of our economy.

Madam Speaker, I reserve the balance of my time.

□ 1045

Mr. GRAVES of Missouri. Madam Speaker, I yield myself such time as I may consume.

I am going to talk a little bit about the sick leave, the paid sick leave, that we continue to hear about throughout this process. You have got to remember, what we are debating right now is the President's recommendation. This is what his board recommended, what they negotiated, and what the President asked Congress to support.

But what is claimed is that they don't have the sick days, and that argument is very misleading. The tentative agreement found in this bill that we are debating right now, H.J. Res. 100, provides workers with several avenues of different types of leave, which were very carefully considered by the members of the PEB, in balance with higher levels of compensation and increased benefits.

In short, the neutral PEB, that the President appointed, rejected union demands for additional paid leave. Traditionally, labor unions have negotiated with freight railroads for very generous benefits to make up for what we consider traditional sick days.

This agreement is no exception and includes a very historic 24 percent—I mentioned this earlier—24 percent increase by 2024, that comes with \$11,000 in back wages and an additional \$1,000 a year in bonus payments. This is in addition to a very generous healthcare benefit which employees contribute—

think about this—employee contributions are set at 15 percent. The average employee contribution for family coverage in the United States is 28 percent of the premium.

So let's be clear. We can't have our cake and eat it too, which is exactly what the majority is attempting to do with this concurrent resolution. Rail labor is set to receive a 24 percent increase by 2024, and that is going to set an average wage and benefits compensation level of more than \$160,000 a year. That is the highest package in almost 50 years, an average immediate payout of \$11,000—I am repeating myself, but it bears repeating—an average payout of \$11,000 in back wages and an additional \$1,000 a year in bonus payments. The additional days of paid time off for all employees are included.

So we are talking about a lot of different things here. But the PEB did not miss something on this topic. Experienced, neutral PEB members studied and reviewed the issues and ultimately had to balance many competing interests to come up with this holistic recommendation for an agreement.

The PEB's report recommends that any particulars about sick leave and attendance policy should be dealt with locally, not through national bargaining, and could be addressed through binding arbitration, which was refused when the National Mediation Board recommended this in June 2022.

It is further stipulated that to the extent that these issues are not directly addressed by the framework, they are being indirectly addressed by compensation through much higher wages. In other words, the PEB's recommendation of a 24 percent increase in wages, per the union's request, basically balanced off the union's request for increased paid time off. That was the debate, that was the agreement, and that is what we are being asked to support.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, I yield 1 minute to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Madam Speaker, I rise to support H.J. Res. 100 as well as the follow-on, H. Con. Res. 119.

Few people prefer to be here today to pass this legislation, but Congress has the authority to act because we have to. It is not because we want to, but we have to prevent a work stoppage, and we have to recognize that the tentative agreements fall well short of what is necessary for paid leave for rail workers.

Benefits do not replace paid sick leave. Going to work sick to earn your wage increase, who does that? Who requires that? Only the rail industry. So we should pass H.J. Res. 100 and afterward pass H. Con. Res. 119 to address the woefully inadequate sick leave provisions in the tentative agreement.

Mr. GRAVES of Missouri. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEHLS).

Mr. NEHLS. Madam Speaker, President Biden took two victory laps before this election.

One was an illegal bribe to college graduates that the court struck down and the second was this unsuccessful rail-labor agreement.

They both failed. They were both lies to win an election.

Now, it falls on Congress to clean up his mess and avoid a rail strike, which would be catastrophic for our economy. It is estimated that a rail strike will cost the economy roughly \$2 billion—with a b—\$2 billion per day.

The U.S. rail system moves cargo roughly the equivalent of 467,000 long-haul trucks each day. If you think inflation is bad now, imagine what happens when our railroads go offline and our supply chains become even more strained and unpredictable. The cost of moving anything will skyrocket overnight just in time for Christmas. Our businesses and workers need certainty to operate in the environment.

For this reason, I plan on voting for H.J. Res. 100. The agreement is supported by our railroads, shippers, and 8 of the 12 unions. I encourage my colleagues to do the same. Every major industry from automobiles to agriculture to energy will be severely impacted if we fail to act. These are some of the largest drivers of inflation and will directly increase the prices for American consumers.

In conclusion, I would just like to point out that this deal is a great deal for the railroad workers. By the end of this deal, the average wages to rail workers will reach \$110,000 per year, with total compensation averaging \$160,000.

It is unthinkable that four railroad unions are holding the Nation economically hostage.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

Yes, I am glad that you pointed that out to the gentleman on the other side. This just appears that it is going to be a President Biden bashing opportunity, but we are here for very important reasons. All the reasons the gentleman just stated are serious in nature and why we are here, for all those reasons.

We have to act, and it is our responsibility. It has come to us, as much as we might not like it, to have to negotiate this. We are standing right in front of a looming work stoppage, and we have to act for the millions and millions of Americans that would be impacted by these measures.

Madam Speaker, my friend from the other side of the aisle mentioned how wonderful this package is. It was fairly generous, he was right. They hadn't had a deal in 3 years, so 24 percent sounds like a great increase. But over 3 years—divide that by 3—it is 8 percent, which is a relatively fair increase.

I think we should deal with the issues at hand, let's not make this

about bashing the President, and do the work that we need to do.

The railroads have said that workers already have sick time. Is that true?

Well, let me answer that.

It is not true. Unless you believe what the railroads want you to believe that when people get sick they should use their vacation time for sick days.

Now, I am not sure how on the other side of the aisle their offices are operated, but I thought we are all one Congress, so it is done in the same manner. All my staff have sick days. I believe most of the people that work for this body have sick days. I don't know if they don't have sick days on the other side. I think that would be reprehensible. But that we are fighting for people not to have what we have is unfortunate and unjust.

We are just trying to do the right thing for the country and for these workers who have not been able to get the railroads—who have had profits out of the stratosphere in the last decade—to get them to do the one thing that the labor unions ask.

They didn't ask for the large raise, the benefits, which are all good. They wanted to deal with sick pay, and the railroads refused to do it.

Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I am on the floor today because I have a heart, and I hope that I will be joining those who will be deliberating very seriously about this legislation.

First, I thank Mr. DEFAZIO for his leadership on the Committee on Transportation and Infrastructure and his engagement, but I also thank my dear, dear friend, Congressman DON PAYNE, whose vision and commitment and big heart have literally put us in a place where our hearts can control our minds.

How indecent is it to have companies who refuse to negotiate with our rail unions, specifically our rail unions. I know we have many letters from our suppliers. They don't want a strike. I don't want anything to impact negatively on America or on my city of Houston. But I must challenge what we are trying to do with respect to the rail companies.

I am standing with the unions, my locals, and my national. The reason is—I think we should put into the Record—BNSF Railway, \$23.3 billion in revenue; Union Pacific Railroad, \$21.8 billion in revenue. Ownership of BNSF, 46 percent owned by Wall Street; CSX, 35 percent owned by Wall Street; Union Pacific, 34 percent; Kansas City Southern, 33 percent; Norfolk Southern, 32 percent.

Is there any heart in it being only about dollars?

I think it is important that there be a 24 percent pay raise, bonuses, no changes in copays, and allowance of time off for routine procedures. But how indecent is it that they would not sit down and provide sick days in the most dangerous professions.

Houston is the crossroads, starting from the western frontier days, of railroads. We have tracks everywhere. They are an inconvenience for our community, no matter where you live, but predominantly in minority communities.

They cause ambulances to stop. They injure and cause schoolchildren to have to cross tracks, and they contaminate our neighborhoods.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PAYNE. Madam Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Speaker, they contaminate our neighborhoods. I know you are on the Committee on Energy and Commerce. It is unbelievable, and they won't clean it up, from the EPA to every place we have gone, and people are suffering from cancer.

But I want to do the right thing today, and I cannot imagine, H. Con. Res. 119 is what I am standing on, because it does not make sense to not provide people with sick days. Paid sick leave for employees is a bare necessity, which I think should be extended, and paid time off for family medical leave, as well. But time paid off for sick leave is a top priority for rail workers, especially when their jobs expose them to risks, such as toxic dangers in the rail yards and dangers on the trains, as well.

□ 1100

It is ironic that the railroads resist providing flexibility to their workers' schedule to provide these sick days. Every company that is decent in America should run toward giving sick days, a mere 7 sick days.

I rise to support both my community fighting against contamination and I rise to support this underlying legislation. I hope the White House will take my call, because I will be trying to determine how this will move forward.

I thank President Biden for his great leadership. He is a labor President.

Madam Speaker, I rise in strong support of H.J. Res. 100 and H. Con. Res. 119, legislation to address unresolved disputes between certain railroads and their employees.

The resolutions before us today would avert a debilitating rail strike on December 9th. The legislation is the result of the Biden Administration's negotiations with railroad companies and rail worker unions to craft an agreement to treat rail employees fairly in light of long-standing workforce issues.

President Biden has called upon Congress to pass this legislation in accordance with our authority under the Interstate Commerce Clause to ensure the uninterrupted operation of our nation's critical transportation systems that impact every American and our entire economy.

Congress has the responsibility to prevent a disruption of rail service that would cripple our economy and impose severe hardships on every American that would have a very tangible effect, especially as we head into the holiday season.

H.J. Res. 100 would adopt the tentative agreement that was reached in September be-

tween railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and the railroad workers represented by twelve unions and related organizations.

The key provisions of the tentative agreement that makes great strides toward protecting the rights and advancing the basic needs of rail employees for the next 2 years include:

a 24 percent pay raise and a \$5,000 bonus; no changes in copays, deductibles or co-insurance costs for health care services; and some allowance of time off for routine, preventative and emergency medical care.

These are very substantial advances that justify our support of H.J. Res. 100, both because it improves conditions for rail employees and because passage of this resolution is absolutely essential to avert a strike and disruption of rail service that would be catastrophic for our entire country.

However, the progress made by negotiations is not enough. It does not sufficiently safeguard rail workers' rights and dignity in ways that are recognized as essential in America.

It is absolutely essential that workers be given seven days annually of paid time off when they are sick.

I applaud the four rail worker unions that have objected to the tentative agreement because of its failure to provide seven days of paid time off for sick leave.

That is why we will also be voting on H. Con. Res. 119, a resolution that would supplement the tentative agreement by directing the railroads and the unions to negotiate within 30 days a means to provide seven days of paid time off annually for sick leave without any adverse impact on a worker's employment status.

Seven days of paid time off annually when a rail worker becomes sick is essential for a number of reasons.

First, it is the right thing to do, as it is morally repugnant that rail employees are expected to be immune to sickness and should be economically hampered when they become ill.

Second, because railroads have decreased their workforce by almost one-third in recent years compared to previous levels, the workplace demands on rail workers have increased. That increased work precipitates sickness. It is unconscionable and illogical for railroads to elevate their employees' health risks, and then fail to stand by them when they get sick.

Third, railroads have been raking in extraordinary profits in recent years, in part by reducing their workforce and placing higher burdens on their remaining employees. As a result, the railroads cannot claim that they are unable to financially afford seven days of paid time off annually for their employees who enable the companies to be so profitable. Their miserly objections should not be taken seriously.

Paid sick leave for employees is a bare necessity, which I believe should be extended to paid time off for family medical leave, such as when a rail worker needs to care for their sick child or take them to a doctor. I will continue to fight for employees to gain this basic benefit, even though that effort will have to be resumed at another time.

Paid time off for sick leave is a top priority for rail workers, especially because their jobs

expose them to risks that can manifest in health problems. It also carries an additional consequence, as paid time off requires railroads to be more flexible in establishing work schedules that are responsive to employees' health and family needs. It is ironic that railroads resist providing flexibility to their workers' schedule needs while, at the same time, those railroads routinely plead for the public's patience and understanding when it comes to the railroads' schedules of transport and delivery.

My Congressional District in Houston is regularly affected by railroad delays that impair mobility, timeliness, and delivery of materials in Houston. The problem is so pervasive that the railroads have gained a reputation in Houston and Harris County for their constant delays.

The railroads' resistance to provide essential protections for their employees is, unfortunately, emblematic of their prioritization of their own interests over the public interest.

The railroads repeatedly demonstrate this, for example, in my Congressional District, by their lassitude in cleaning up the toxic contamination and Superfund consequences imposed by CREOSOTE.

This is a long-festering problem for which I have been advocating resolution for years. But even so, the creosote problem in Houston continues, and the railroads still have not taken sufficient action to remediate the problem.

Madam Speaker, it is imperative that we pass this rule and the two resolutions addressing the needs of railroad employees that it allows to be brought to the floor today.

If we do not pass these resolutions, rail service will be interrupted nationwide, causing severe hardships to families and all aspects of the American economy. The effects of a stoppage in service would include:

- as many as 765,000 workers, including many union members, would lose their jobs in just the first two weeks of a strike;

- millions of families wouldn't be able to get groceries, medications, and other goods;

- many communities wouldn't be able to acquire the essential materials to keep their water supply clean;

- businesses wouldn't be able to get their products to market; and

- perishable goods would spoil before reaching consumers.

Madam Speaker, families will suffer harsh consequences if we do not pass these two resolutions. I strongly support passage of both resolutions and urge all of my colleagues to join me in voting to pass them.

UNITED STEELWORKERS,
Pittsburg, PA, November 30, 2022.

Re United Steelworkers urges support of H. Con. Res. 119

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the United Steelworkers union (USW), I urge you to support H. Con. Res. 119, which provides for a correction in the enrollment of H.J. Res. 100. This amendment would provide a technical correction to H.J. Res. 100 that would ensure that rail workers do not get penalized for taking seven days of paid sick leave annually.

After a lengthy negotiating process in which the major railroads called multiple times for Congress to intervene, Congress may step into this bargaining process, and at the same time remedy a situation where

workers can get fired for going to a doctor's appointment.

The Class one railroads generate over \$80 billion in operating revenue, and have reported significant increases in operating income and profits over recent years. The major railroads reduced headcount by 20-30 percent over the past several years, at the expense of workers' health and ability to see their families, and has resulted in reduced train service.

USW urges the adoption of seven days paid leave to the pending implemented contract, and in the future, we urge the major railroads to bargain in good faith going forward with their respective unions.

Sincerely,

THOMAS CONWAY,
International President.

Mr. GRAVES of Missouri. Madam Speaker, I yield myself such time as I may consume.

We were discussing earlier about this being a Presidential bashing or whatever the case may be, but I have to ask the question, why are we here? Why is Congress doing this?

The reason is, Madam Speaker, because the President failed, the administration failed, and that is the reason this was brought to Congress, so Congress could intervene and move this forward.

I might also point out that the package that we are debating right now is recommended by the President's PEB, by his board that he appointed. The President himself wants us to pass this package.

I am going to quote the Speaker, who just, what, Sunday said, "This week, the House will take up a bill adopting the tentative agreement—with no poison pills or changes"—or changes—"to the negotiated terms—and send it to the Senate."

And now they are backing up on that process. That is really what is wrong or what is happening today is they are backing up on that and trying to renegotiate. They are trying to renegotiate this whole process that a lot of people have put time and effort into and came to an agreement, and now there is no reason anymore.

Why do we even have the system set up the way it is if Congress is going to come in and make changes to all of the recommendations?

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume. Rank-and-file union members vote on ratifying contracts. I hope that is understood. After working harder and longer and under worsening conditions for years, they have spoken loudly about wanting to improve quality of life, including paid sick time. The railroads have refused to give them this basic benefit, causing us to be here today. Yes, we are talking about two pieces of legislation here. We are dealing with H.J. Res. 100, which the President is asking us to support and to pass, but I would not be able to live with myself if I did not respond to the workers.

They started out with 15 days, Mr. Speaker, asking for 15 days of sick

time and were willing to finally negotiate down to 4. Just 4. That is all they have asked for. And yet and still these profit-grossing railroads could not find their way to give them 4 days. They said, you know what, go on unemployment if you are sick.

I mean, who asks? Is that something that we ask our employees to do? Do we ask people across this Nation to do that? It is unconscionable. For our colleagues on the other side of the aisle not to acknowledge that is just unconscionable.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Speaker, I thank the gentleman from New Jersey not just for yielding me time but for his outstanding leadership on this issue. I thank Speaker PELOSI for hearing our cry to include paid sick leave today.

If the rail unions asked Congress to stay out of this current dispute, I would work hard to honor their wishes, but they have not done so. So the question becomes, what agreement will Congress impose?

The Railway Labor Act gives us unfettered power to choose any terms we think fair. In general, I think we should honor the collective bargaining process and pass the TA agreed to by the parties and the Presidential Emergency Board, but we must modify the deal and include paid sick leave.

Thousands of rail workers voted against the TA because the Precision Scheduled Railroading system is inhumane and insults the dignity of the workers. Basic justice requires us to act.

I would strongly have preferred that we send a clean resolution to the Senate, including sick leave. It is not even December. We have a week. We are in session this week; we are in session next week. Lord knows the industry can afford it. They are making obscene profits and are the very symbol of income and wealth inequality which is plaguing this Nation.

Although the way we are doing this is not my first choice, I appreciate our leadership providing us a way to support sick leave for these workers and send paid sick time for rail workers to the Senate. I hope they join us in supporting a slightly more humane schedule for the rail workers of this Nation.

Mr. GRAVES of Missouri. Mr. Speaker, may I inquire the time remaining on both sides?

The SPEAKER pro tempore (Mr. BUTTERFIELD). The gentleman from Missouri has 16½ minutes remaining. The gentleman from New Jersey has 14½ minutes remaining.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 7 minutes to the gentleman from Arkansas (Mr. CRAWFORD), who is the ranking member of the Railroads, Pipelines, and Hazardous Materials Subcommittee.

Mr. CRAWFORD. Mr. Speaker, we are here today because of the colossal failure of Joe "Union" Biden, the

President who has by his own declaration been the most union-friendly President in history. He has been here since 1970. Joe Amtrak, Joe Lunch Box, whatever you want to call him, has punted this to us to deal with his colossal mistake.

I can't wait for the rails to be running and make sure they have plenty of rail cars available to haul off these carloads of bovine residue that is being spread around here today because the President waded into something that he wasn't able to finish.

The misinformation that is being proliferated here about the sick days, why is there no mention of the actual sick days in the PEB, the number of sick days that we are adding to?

In fact, we came to a resolution, myself and the soon-to-be Chairman GRAVES, that codified the PEB recommendation. A 24 percent pay raise, 24 percent. Let's keep in mind that we are in a recession. I would like for us all to get a 24 percent raise. But we codified a 24 percent raise, 14 percent of which would take effect immediately, the balance of which would take place over the next 4 years, \$5,000 bonus; 8 of the 12 unions agreed.

That was the PEB recommendation, and we were willing to choke that one down and say, okay, because our economy, in this frail, fragile state created by President "Joe Union" cannot sustain a \$2 billion a day economic hit. So for the good of the country, we will choke that down.

Well, then they say, well, we are going to have a cooling-off period, we will think about it. Then they come back and say: No, we are going to strike on December 9. December 9.

We are approaching wintertime. How many people across the country are going to be relying on the commodities necessary to heat their homes? I don't know the millions of people that would be impacted negatively. This isn't about Christmas presents, although that is a big part of it. Because of the economy, we are not going to have as many Christmas presents this year anyway. But on top of it we are going to freeze people out?

These unions put a gun to the head of the American people and say: This is what we want, and we are not going to play ball.

So the President's PEB, the Presidential Emergency Board, makes this recommendation. We go ahead and put legislation in place to support that, and at the eleventh hour here we are, and my friend from New Jersey, the chairman of the Railroads, Pipelines, and Hazardous Materials Subcommittee, said, yeah, we will take that. We are going to add one sick day.

Okay, I can live with one sick day. What I can't live with is the game they are playing legislatively, when they make a promise, we are not going to put poison pills on this bill, and then they come back after the fact and throw this 119 kicker in place. A flat-out lie and another colossal failure on

the part of the outgoing Speaker because she couldn't get the votes on her side of the aisle to vote for 100, the PEB recommendation, the PEB recommendation that the President asked for, President "Joe Union", and yet here we are having to deal with 119, the additional poison pill that the Speaker said would not be present in this legislation.

That is what is wrong with this institution, by the way, when people say they are going to do something, and then 20 minutes later they reverse themselves. This came out last night, by the way, late in the evening, so no one would be aware of it, and now we are having to deal with it. It makes a mockery of this institution.

By the way, the authority that we have to deal with this doesn't mandate that we deal with it. It just says we have the authority. By the way, that authority was given in 1926, almost 100 years ago.

What a colossal failure on the part of the President and on the part of the Speaker that we have to be here at all wasting valuable time of this body that we could be doing so many more important things for our people in this country than having to deal with this hostage situation at a time when our economy cannot sustain it, a \$2 billion a day hit that is about ready to hit us right in the face at a time when our folks, particularly in the Northeast, that rely on commodities like, for example, heating oil, and we can't move it. By the way, maybe we could move it more efficiently if our pipelines were working like they should be. But, again, the President saw to that.

We don't have adequate resources in the trucking industry. We are at a driver shortage. We can't just rely on the trucking industry to fill that void. So again, President Joe "Union" Biden, "Lunch Box" Biden, "Amtrak" Biden, whatever moniker you want to go by, Mr. President, this is on you. This is your failure that you have punted into the House of Representatives to clean up your colossal mess.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume. I am glad to know how the gentleman on the other side really feels about this being a waste of time in saving the Nation from a colossal \$2 billion hit, as he would put it, that this is a waste of time. I am glad that he lets the American people know how he really feels about this effort.

We are in a situation where we don't have very much of a choice right now for the reasons that he stated. It would be a \$2 billion hit to this Nation every single day, and it would impact the lives of American families across this Nation.

So, yes, for whatever his disappointment is or whatever it is, we are here, and now we have to act and save the Nation from that perilous situation.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume. I don't have any other speakers at this time. I do want to point out this statement was made: "Now we have to act to save the Nation." Now we have to act to save the Nation.

Why is that?

Because the President failed, Mr. Speaker. It is because the administration failed. That is why we have to act.

Is it a waste of time?

It absolutely is a waste of time because the administration failed. That is the reason Congress is here.

Mr. Speaker, again, I don't have any additional speakers, and I reserve the balance of my time.

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Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GARCÍA).

Mr. GARCÍA of Illinois. Mr. Speaker, I rise today in strong support of H.J. Res. 100 because it is time that we stop paying lip service to the men and women in the rail industry and give them the dignity that they deserve.

Rail workers, like all union workers across trades, always get the job done. Whether it is the incredible heat of the Southwest or the bitter-cold winters in cities like Chicago, they never stop.

There is one thing that the pandemic taught us. It is that we can't keep treating them like they are expendable. A rail strike is unthinkable, and so is a world where rail workers are forced to work sick or penalized if they take a day off when they are ill.

Chicago, and the people I represent, live and work in the Nation's heart and center of America's rail network. This isn't abstract for me. It is my neighbors. We see these hardworking men and women getting the job done, rain, shine, or snow.

When I said I wouldn't vote for a deal that doesn't include paid sick leave, I meant it. Paid sick leave should be a right and not a negotiation chip. That is why I will vote on the floor, not the ceiling.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, a freight rail strike would devastate the supply chain, and it would literally shut down the country.

Again, estimates are that the strike would cost the economy up to \$2 billion per day during a very busy holiday season.

This strike comes only months after President Biden celebrated avoiding a railway strike, remember? Now, the President and his Cabinet have given up on leading. They have retreated in failure, and they kicked this problem to Congress for us to decide.

The terms of the tentative agreement found in this resolution are more than fair for railroad workers: a 24 percent increase in wages, which is retroactive,

and employee contributions to healthcare capped at 15 percent.

This is supported by the freight railroads, shippers, and 8 out of 12 of the labor unions involved. This was a very negotiated proposal. It had bipartisan momentum that was building for this resolution. Unfortunately, the majority decided to play political games with the economy, and they went back on the President's and the Speaker's stated support for implementing the terms of the tentative agreement. This is beyond bad faith. This is just simply reckless.

I point out that what we are debating right now and what we will vote on with this is the tentative agreement. That is the original agreement. We will go on next to vote on the extra benefits.

Despite the Speaker and the President's decision to cower to the progressive demands by having a second vote on the revised agreement, I do plan to support this resolution, this one right now that we are debating, to implement the tentative agreement as it was debated, as it was negotiated, in an effort to stop an economically ruinous rail shutdown, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank my colleague on the other side of the aisle for once again making the points that we have tried to make.

You will have the opportunity to vote on H.J. Res. 100. It has been mistakenly portrayed as a poison pill. There is no poison pill. You have the opportunity to vote on H.J. Res. 100.

Then, there is a second piece of legislation. You are welcome. We separated them. We separated them, but we had to do something.

This, Mr. Speaker, is about fairness. Just as you have a vote in this body, each member has a vote to ratify or not ratify. The workers in the labor unions have a vote to ratify or not ratify.

Your leadership comes up with, sometimes, things that you want to see done. Does everyone vote with the leadership? It was a negotiated deal. Eight of the 12 ratified; 4 did not. And 115,000 workers, the majority of the workers, are in those four unions, from what I understand. So, it is a fair majority of the workers that did not ratify this.

Do you mean to tell me that every time your leadership gives you something that they negotiate that you vote on it? No. There are some times you don't vote with what your leadership has brought you.

These people are doing the same thing that you are allowed to do in this body, and I don't think that is a situation that is unrealistic.

Now, as the railroads implemented drastic changes that brought steep workforce cuts—that is right, cuts—

and closures of yards and shops and associated jobs, and pushed workers to the brink during the pandemic, our railroad workers showed up every day and night out of their commitment to our country, serving as defenders in chief of our economy. That is patriotism and deserves to be honored.

During the pandemic, they suffered through some of the most strict attendance policies in our country in order to keep our economy alive. We shouldn't have to intervene, but we must ensure that Americans don't have to pay for the greed of those who have yielded the benefits of record-breaking profits and won't meet their employees' demands for basic human rights.

Paid sick time is a basic necessity required to recover from being ill that all of your staffs have. It helps prevent sick workers from making preventable safety mistakes.

Time has proven that railroads are unwilling to settle this dispute, despite having more than enough money to pay for these basic benefits. Railroad CEO salaries continue to exceed as much as 144 times what the average railroad worker makes. Still, they are unwilling to bend for paid sick time off. I wonder what they do when they are sick.

All the while, they know that their profits are built off the backs of these dedicated rail workers who deserve so much more.

Despite the challenging decision to intervene, I will continue to press the rail industry to do what they know to be right by their workers. Once we pass this legislation, we will pass legislation that guarantees paid sick leave for rail workers since the industry has decided they wouldn't.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1499, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Pursuant to House Resolution 1499, H. Res. 1495 and H. Con. Res. 118 are considered as adopted.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.J. RES. 100

Mr. PAYNE. Mr. Speaker, pursuant to House Resolution 1499, I call up the

concurrent resolution (H. Con. Res. 119) providing for a correction in the enrollment of H.J. Res. 100, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. YARMUTH). Pursuant to House Resolution 1499, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 119

Resolved by the House of Representatives (the Senate concurring). That, in the enrollment of the joint resolution H.J. Res. 100, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend section 1—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following:

“(b) PAID SICK LEAVE.—

“(1) IN GENERAL.—Any tentative agreements, side letters, or local carrier agreements entered into by the parties and ratified before the date of enactment of this joint resolution and the tentative agreements, side letters, and local carrier agreements made binding by subsection (a) shall, beginning 60 days after the date of enactment of this joint resolution, provide—

“(A) for 7 days of paid sick leave annually, except that nothing in this subparagraph shall supersede any existing labor agreement between such parties that provides for more than 7 days of paid sick leave annually; and

“(B) that the use of any 7 days of paid sick leave annually, regardless of whether such days are provided under a tentative agreement, side letter, or local carrier agreement or under an existing labor agreement described in subparagraph (A), will not result in any points, demerits, or disciplinary citations under any party's attendance policy.

“(2) EFFECT.—The modification referenced in paragraph (1) shall each have the same effect as though arrived at by agreement of such parties under the Railway Labor Act (45 U.S.C. 151 et seq.).”

(2) Redesignate section 2 as section 3.

(3) After section 1, insert the following:

“SEC. 2. NEGOTIATIONS AND ARBITRATION.

“(a) NEGOTIATIONS.—The parties to the disputes subject to Presidential Emergency Board No. 250, established pursuant to Executive Order 14077 of July 15, 2022, shall negotiate the implementation of the 7 days of paid sick leave imposed on such parties by section 1(b).

“(b) BINDING ARBITRATION.—If, after 30 days after the date of enactment of this joint resolution, the parties are not able to reach agreement on the matter described in subsection (a), such parties shall enter into binding arbitration on such matter to provide for a final resolution of such unresolved matter.

“(c) ARBITRATION.—The arbitration described in subsection (b) shall be conducted pursuant to the provisions of section 7 of the Railway Labor Act (45 U.S.C. 157), and any award shall be enforceable under section 9 of the Railway Labor Act (45 U.S.C. 159), except that, in the public interest, compensation and expenses of the arbitrators shall be borne equally by the parties.

“(d) DEADLINE.—Not later than 60 days after the date of enactment of this joint resolution, any binding arbitration proceeding entered into pursuant to subsection (b) shall be completed, including issuance of any award by the arbitration board.”

The SPEAKER pro tempore. The concurrent resolution shall be debatable